DOCUMENT RESUME

ED 287 778 SO 018 498

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TITLE Classical Influence on the Founding of the American Republic.
PUB DATE 21 Nov 86
NOTE 13p.; Paper presented at the National Conference of the Community College Humanities Association (San Francisco, CA, November 21, 1986).
PUB TYPE Reports - Descriptive (141) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Ancient History; Civics; *Constitutional History; Federal Government; Governmental Structure; Higher Education; *Humanities; *Social Studies; United States Government (Course); *United States History
IDENTIFIERS Classics; *Greece (Ancient); *Roman Republic

ABSTRACT

The founding fathers of the United States were products of a classical education, and they used the Greek and Roman classics as republican models and classical virtues. In their writings, the founders frequently associated liberty and republicanism with the ancient commonwealths. John Adams spoke on three separate occasions of the need to reflect on the past republics of Greece and Rome. The founding fathers used many ideas from the third century (B.C.) Roman Republic in the formation of the U.S. republican government. In the Federalist Papers, Madison redefined a republic as a government based on popular sovereignty, with government authority directly or indirectly residing with the people, and administered by elected representatives holding their office for a limited period or during good behavior. The founders also wanted to avoid the problems that these ancient governments encountered. They believed that, with the addition of separation of powers, checks and balances, an independent judiciary, and representative legislatures, the republican model could be adapted for the new nation. Hamilton used the example of divided sovereignty in the Roman Republic as an argument for the workability of a federal system. Opponents criticized the use of classical models during the battle for ratification. Nonetheless, the founders were strongly influenced by their study of the classical republics and built the new government on their foundations. (SM)

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CLASSICAL INFLUENCE ON THE FOUNDING OF THE AMERICAN REPUBLIC

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Presented at the 1986 National Conference of the Community College Humanities Association
Sir Francis Drake Hotel, San Francisco, CA

November 21, 1986

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In the period following the American Revolution there was a perceived tension between the tendency to emulate classical models of government and the need to cut the "classical umbilical cord" to establish a government for a dynamic society.(1) The American founders were all products of a classical education and they returned to Greek and Roman classics for Republican models and classical virtues.(2) The political philosopher Hannah Arendt has written: "Without the classical example, none of the men of the revolutions on either side of the Atlantic would have possessed the courage for what then turned out to be unprecedented action."(3)

Three Vergillian mottoes - annuit coeptis, novus ordo seclorum and e pluribus unum - are all found on the official seal of the United States and they indicate that there were classical and humanistic origins of the first modern republic. If we page through the various documents that were written at the time of the American Revolution and the years leading up to the signing of the American Constitution, we find numerous essays that were authored by writers using Latin pen-names. It is informative that the authors of the Federalist Papers (the essays defending the U.S.Constitution) used the pseudonym Publius after the Roman who established the republican form of government when Lucius Brutus overthrew the last king of Rome. But we must look beyond the mottoes and the pseudonyms to study the role the classical heritage may have played in the actual formulation of the U.S. Constitution and the establishment of the fledgling republic.

In their writings the Americans frequently associated liberty and republicanism with the ancient commonwealths. John Adams spoke on three separate occasions of the need to reflect on the past republics of Greece and Rome. He wrote in 1765: "let us study the law of nature, search into the spirit of the British Constitution, read the histories of the ancient ages, contemplate the great examples of Greece and Rome . . ."(4) In 1774 Adams wrote: "American revolutionary rights were founded on "the principles of Aristotle and Plato, of Livy and Cicero and Sidney, Harrington and Locke; the principles of nature and eternal reason."(5) And in 1782 these were his words: "I am a republican in principle. Almost everything that is estimable in civil life has originated under such governments. Two republican powers, Athens and Rome, have done more honor to our species than all the rest of it. A new country can be planted only by such a government."(6)

It was mainly the Roman Republic which was the model that the founders examined. Rome had a pluralistic culture, a balanced

constitution and it valued patriotism, self-sacrifice and frugality and these were all characteristics Americans admired. Hamilton called Rome "the nurse of freedom." Adams said: "The Roman Constitution formed the noblest people and the greatest power that existed."(7) While the American founders studied the mixed constitutions of Athens, Rome and Carthage, they especially admired Rome's constitution at the end of the 3rd century B.C.

The founders felt that the Greek republics and later Roman governments were unsuccessful due to lack of balance. They also understood Plato's and later Cicero's explanation of the cyclical theory of governments. They wanted to avoid the problems some of the classical republics like Athens had experienced. Democracy gave way to anarchy and then to tyranny. They were especially opposed to the direct assembly government of Athens which they viewed as particularly unstable. Also, America was too large to use the direct form. The founders would develop a system of representative democracy in a republic.

Federalist Paper number 37 defines a republic as "a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure for a limited period or during good behavior."(8) This redefined republic for all ages was based on American invention. The classical philosophers had refused to concede that popular consent was the sole or even the preeminent source of legitimate political authority. The American founders argued that "People are the only legitimate source of power."(9) Besides this fundamental difference in theory on the origins of power, the founders were wedded to a republican form, despite the classical theory that a republic could only work in a small territory.(10) Indeed, Madison wrote that the size of the U.S. would "make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other."(11) Thus, Madison tried to overcome the argument that republics were only suitable to small territories. In addition, he argued that the diffusion of power on a large scale made it safer to entrust power to a national government.(12)

One of the real dangers Madison saw for republican governments was the conflicting rivalry of various factions. In Federalist number 10 Madison put forth his theory that it is preferrable to find a way of controlling factions rather than preventing their formation.(13) The ancients tended to want to avoid the formation

of factions and urged conformity. One author takes a different view and comments: "What Publius (Madison) regards as a foolish and ultimately tyrannical attempt to homogenize the citizenry in order to prevent faction, the classics tended to conceive as the necessary prerequisite to cultivating a sense of brotherhood - which they saw as a natural and positive, even a capital political good in its own right."(14)

It is clear that while the founders were looking at classical models, several factors were leading to the development of a new model - size of the republic, representative model, conflicting interests. Yet, despite the differences, the example of Greece and Rome seemed always to be in the forefront, even if the context was negative. Hamilton argued that he would have preferred to abandon the experiment altogether for "the petty republics of Greece and Italy . . . were kept in a state of perpetual vibration between the extremes of tyranny and anarchy."(15) However, Hamilton added that the ancients did not know about separation of powers, checks and balances, judges holding office during good behavior, and representative legislatures. Thus, he allowed the republican model might be adapted if certain precautions were there.(16)

Indeed, it was the constitutional theme of separation of powers which appears to be one of the main methods by which the Americans hoped to avoid the possibility of undermining the republic. Each of the three branches would have a separate role in the government. In addition, the founders put the classical idea of checks and balances found in the Roman constitution into effect. Polybius in Book V of the history of Rome describes the system of mutual checks and balances in the Roman constitution. "The consul who, vested with the powers already described, takes the field in force, appears to have the authority of an autocrat for settling the business which he has in hand; but he needs the support of both the people and the Senate and without it he is not competent to bring the action to a conclusion . . . the veto of one of the tribunes not only deprives the Senate of any power to carry a measure into effect, but will also prevent it from sitting and even meeting at all . . ."(17) It appears that Rome had a decided influence over the founders in the checks and balances as well as in the mixed approach to selection of members of the government.

While we have always understood that our country was established as a democratic republic, there are characteristics of the other types of regimes found in the U.S. Constitution. Some would argue that the Senate was formulated as a basically aristocratic group - the original method of selection by state legislatures, the six-year renewable term and the Senate's functions in the areas of confirmation and impeachment. The

executive branch has some overtones of kingship; i.e., indirect election, no limit on terms and broadly written powers. Hamilton used Rome as his reference point for a strong executive. A description by Polybius of the Roman constitution follows: "Accordingly, when one looks at the strength of the popular element and notices how easily the people can attain all its wishes and demands, one will think that the constitution is a democracy, with nothing wanting to it except the error of popular government, if on the other hand, one looks at the Senate, which is the deliberative body and has in its hands the offices of State, one will think that there cannot be a better form of aristocracy than this, but if, again, one looks at the superintendent and president of all these powers (i.e., the emperor) who makes it possible for the people to attain their wishes and for the few to enjoy office and influence, one sees in him a single person who represents the most perfect form of monarchy."(18) While the Romans were wedded to the aristocracy and monarchy, the Americans admired the mixed form as an effective check on tyranny as well as inefficiency in government.

At the same time that the Americans admired certain classical patterns and appear to have adapted them, the founders hoped to avoid certain traps that they saw in the ancient world. The popularly elected House of Representatives would not have the defects of the Athenian assembly for the Senate and President would check it. If people acting through Congress tended to tyranny, the President would oppose it as would the Senate. And the courts would be the final arbiters. The courts in their aristocratic dimension would protect the rights of minorities and individuals from the power of the President and the Senate. The Senate and the President would be most unlike the rest of society. Virtue and love of fame would guide them. When the House could not restrain the people, the President and the Senate could.

It was exactly such an arrangement that disturbed the anti-federalists who wanted a true democracy - they objected to the strong connection between the President and the Senate. Both of these offices had long terms and no limit in the office, while being chosen indirectly. Further, the anti-federalists claimed that the House of Representatives was really too small to be a true representative of all the people. Indeed, the anti-federalists wanted to move closer to the Athenian model. Over the course of time, the Senate and the executive branch and the judiciary have become more democratic than the founders wanted. The House became less democratic than they wanted; i.e., standing committees, powerful speakers, incumbents returned to office. However, it has also been suggested that Americans see themselves as an Athenian assembly on a grand scale.

Another division of power was needed in regard to the states and the newly established central authority. Again the founders turned to the ancient world - they studied the merits and failures of the Greek leagues, for there were no models of federalism in the English colonial experience. The lessons drawn from the Greek leagues were their short duration, the tyranny of the larger states over the smaller ones, and the destruction of the ancient leagues by foreign intervention. Generally, it appeared that the founding fathers' knowledge of the Greek leagues was superficial and so they began to rely more on their own experience to frame the federalist principle of shared powers.(19)

Hamilton did use the example of divided sovereignty in the Roman Republic as an argument for the workability of a federalist system. In Federalist number 34, Hamilton asserted that the Roman Republic had divided sovereignty between the Comitia centuriato (the representatives of the patrician class) and the Comitia tributa (representatives of the plebian interests). Hamilton saw the division between state and national government as a parallel case.

A primary area of concern to the founders was the prevention of corruption in this republican government. The ancient philosophers argued on behalf of the development of public virtue in their office-holders and in the citizenry at large. This was their remedy for corruption. For the ancients the decline of public virtue meant the decline and eventual death of a republic. The attributes of classical public virtue were firmness, courage, endurance, industry, frugal living, strength, and, above all, unremitting devotion to the weal of the public's corporate self, the community of virtuous men.

John Adams agreed and wrote to Mercy Warren that public virtue is the only foundation of republics. American puritanical republicans professed to admire Sparta where hard work, thin diet, mean clothes, cheerful hearts and free spirits exemplified the citizen. The Southern republicans were more likely to be agrarian republicans. For them virtue meant manliness and manliness meant independence. Ownership of the land begat independence, independence begat virtue and virtue begat republican liberty. In the Southern scheme of things, private virtue, in the rigorous sense in which it was defined by the Yankees, was unnecessary to the maintenance of republican liberty. John Taylor of Caroline wrote: "The more a nation depends for its liberty on the qualities of individuals, the less likely it is to retain it. By expecting publick good from private virtue, we expose ourselves to publick evils from private vices."(20) Taylor stressed the importance that the structure of political institutions has for republican

liberty.

The founders believed that putting emphasis on the idea that all power is from the people would help solve the problem of virtue in government. For virtue ceases to bestow on its possessor a primary title to rule. Rather, men gain authority by winning the consent of the governed. The Whiskey Rebellion had shocked a large number of Americans into reconsidering theirideas about republican forms of government and about safeguards to liberty and property. Many abandoned the notion that ownership of land automatically created republican virtues. It appeared that perhaps the American public did not possess enough virtue to sustain a republic. Thus, one was left with several choices.

One could give up republicanism and restore a more authoritarian government. One could educate the public to be virtuous and make it in the interests of individuals to strive for the public good. Or, one could recognize that most men, most of the time, act out of self-interest rather than public interest and work to establish a republican government under principles other than virtue.(21) This latter is what the founders chose. They set up a republic of separation of powers, checks and balances and federalism. The American founders did not set up a regime that would depend on the virtue of "guardians", as described by Plato in his Republic. They substituted rival interests and voluntary associations for virtue.

Despite much rhetoric at the convention and quotes from David Hume on the dominance of man's self-interest, "it is a grave mistake, however, to assume from this that the framers cynically abandoned the whole notion of virtue in the republic and opted to substitute crass self-interest in its stead."(22) Like the ancients, the founders believed men were driven by their passions, but their passions also included positive ones such as love of fame, of glory and of country.(23) While the founders discarded the hope of attaining classical and puritanical public virtue, they hoped to develop a means by which people with ordinary human faults could act virtuously. They believed that love of fame or glory or country could guide the leadership.

Another aspect of the writing of the U.S. Constitution was also referred to in the political theory of the ancients. Securing property rights has always been considered a motive of the founding fathers at Philadelphia. Some scholars such as Charles Beard wrote that the founders' primary motive was to protect property rights. However, in the ancient world, "Classical republicanism and avidity in the pursuit of wealth were, in a word, incompatible, at least in most versions of republican

theory."(24) Lycurgus, the designer of Spartan government, forbade trade entirely and instituted equality of landholding among those who participated in public affairs. This theme of reducing the motive for greed among the ruling class runs through Plato's Republic as well.

At the beginning of the revolution, John Adams strongly recommended sumptuary laws to prevent excessive accumulation and consumption.(25) At the end of the revolution an anonymous pamphleteer in Charleston quoted Cato's letters approvingly. Cato wrote that "men in moderate circumstances act most virtuous"(26) While the American Congress enacted sumptuary legislation, it had no power to enforce it. Many states particularly in the North deluged their constituents with laws proscribing "everything that looks like elegance and refinement."(27) In the revolutionary period attempts were made to redistribute wealth in the name of republican virtue. There was great fear of this but in reality most American families held a comfortable amount of land and America lacked the poverty of Europe. Nevertheless, the founders did take care to assure property rights and later John Marshall, the federalist Supreme Court judge, wrote several decisions which reinforced these rights.

We have reviewed the many ways in which the American founders relied on classical guidance to frame the kind of republic they felt would work in eighteenth century America. We have seen that they were inclined to adapt basic classical ideas to their new environment However, one author, Thomas Pangle, writes that as the Federalist papers developed, its authors clearly moved toward more criticism of the ancient republics. "In the eyes of the new Publius, the classics' emphasis on virtue and heroism went together with an unfortunate zeal for direct self-government in small, tightly packed urban societies."(28) We see the founders' disenchantment with the classical models expressed in the writings of Madison, Hamiolton and John Taylor. Madison asked: "Is it not the glory of the people of America that whilst they have paid a decent regard to the opinion of former times and other nations, they have not suffered a blind veneration for antiquity?"(29) Hamilton expressed concern at the idea of using Greek and Roman models - "Neither the manners nor the genius of Rome are suited to the republic or the age in which we live. All her maxims and habits were military, her government was constituted for war and ours is unfit for it . . ." And in Federalist number 9 he wrote, "It is impossible to read the history of the petty republics of Greece and Italy without feeling sensations of disgust and horror."(30)

John Taylor of Virginia debated John Adams over the use of classical models. Taylor rejected Adams' praise of Sparta's mixed constitution and its longevity of government. According to Taylor, Sparta had no democratic balance; it was instead governed by a minority. He thought that Greek governments were based on fraud, and that Roman aristocrats ruled by corrupt means to preserve power. Taylor argued that in America "human character had undergone a moral change"(31), and therefore need not depend on ancient models for guidance. Adams' reply was that there is one eternal, unchangeable truth - that all men are the same everywhere, and that therefore, antiquity is relevant to modern problems.(32) Years later, Henry Steele Commager portrayed the classical world as an abstraction, a stereotype. But he said America was an unique, dynamic, revolutionary, pluralistic, progressive nation.(33)

Indeed, belief in a morally better society after the classical pattern withered rapidly after 1789. America gave way to rampant materialism, democratic forms, anti-intellectualism, and disdain for classical education. The classical models that were useful in revolution and constitution-making were now jettisoned.(34) Jefferson wrote to Adams in 1816: "I ask myself, what was that government which the virtues of Cicero were so jealous to restore and the ambitions of Caesar to subvert? They never had (good government) from the rape of the Sabines to the ravages of the Caesars . . . steeped in corruption, vice and venality, as the whole nation was . . . what could even Cicero, Cato and Brutus have done, had it been referred to them, to establish a good government for their country?"(35) And finally even John Adams joined the chorus. Said Adams: "I never could discover that the Romans possessed much virtue or real liberty."(36)

And finally that astute observer of the American way, Alexis de Tocqueville, said in 1836: "When I compare the Greek and Roman republics with these American states . . . when I think of all the attempts that are made to judge the modern by the aid of those of antiquity, and to forsee what will happen in our time by what happened two thousand years ago, I am tempted to burn my books in order to apply only new ideas to so new a condition of society."(37)

Despite all the rhetoric on both sides of this question, it still appears that the founders were strongly influenced by their study of the classical republics. They wished to avoid the mistakes and build on the strengths. The founders consciously or unconsciously adapted practices found in the ancient models. However, they also understood that theirs was indeed a new frontier deserving of new institutions and so it was that they

developed an evolutionary form with such features as the elastic clause and judicial review. The result of their work is that much of the U.S. Constitution is rooted in classical tradition whether or not they denied the viability of these earlier republics.

Endnotes

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3. Ibid., p. 233
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5. Ibid., p. 97
6. Ibid., p. 97
7. Ibid., p. 98
8. Federalist #37, p. 39
9. Federalist #49
10. MacDonald, Forrest, Novo Ordo Seclorum, Lawrence, KS, University Press of Kansas, 1986, p. 165
11. Ibid.
12. Ibid.
13. Federalist #10
14. Pangle, Thomas, "Federalists and the Idea of Virtue," This Constitution, Project '87 of the American Historical Association and American Political Science Association, Winter 1984, #5, p. 21
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20. MacDonald, p. 75
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25. Ibid., p. 89
26. Ibid., p. 90
27. Ibid., p. 92, 93
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29. Reinhold, p. 103
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33. Ibid., p. 107, 108
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37. Ibid., p. 109

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